



Zhuo AF/SP CC
1156.38589X00

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Andy PHELPS
Serial No.: 09/576,039
Filed: May 23, 2000
For: AUDIO APPARATUS
Art Unit: 2644
Examiner: Con P. Tran

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 18, 2005

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated July 19, 2004 of the Primary Examiner finally rejecting claims 10-26.

The item(s) checked below are appropriate:

- 1. A two month extension of time to respond to the Advisory Action of November 17, 2004 and the Final Rejection is being filed concurrently herewith.
- 2. A timely response to the Final Rejection was filed on September 20, 2004 as provided in 841 O.G. 1411.
- 3. Fee -- \$500.00 is enclosed. A Credit Card Payment form is also attached hereto. Please charge to Deposit Account No. 01-2135 for any insufficiency in the fee. (One additional copy of this Notice is enclosed.)
- 4. An oral hearing is hereby respectfully requested.

Signature (Rule 191(b))....

01/19/2005 JADDO1 00000003 09576039

02 FC:1401 500.00 0P



Donald E. Stout
Registration No. 26,422
ANTONELLI, TERRY, STOUT & KRAUS, LLP

Post Office Address:
(to which correspondence
is to be sent)

Suite 1800
1300 North Seventeenth Street
Arlington, Virginia 22209
(703) 312-6600

DES:dlh